

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NATHAN Z. BRENT,

Plaintiff,

v.

MULTNOMAH COUNTY,

Defendant.

Case No. 3:24-cv-00745-SB

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation ("F&R") in this case on August 5, 2024. Judge Beckerman recommended that this Court dismiss plaintiff's first amended complaint without prejudice, but without leave to amend. In lieu of objections, plaintiff filed a second amended complaint, which is substantially similar to his first amended complaint. *Compare* Second Am. Compl., ECF [12], *with* First Am. Compl., ECF [9].

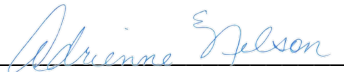
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because plaintiff failed to object to the F&R and filed a second amended complaint mirroring the first amended complaint, and the deficiencies within, this Court reviews Judge Beckerman's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court

ADOPTS Judge Beckerman's Findings and Recommendation, ECF [10]. Accordingly, plaintiff's first and second amended complaints are DISMISSED without prejudice. The Court declines to grant plaintiff leave to amend.

IT IS SO ORDERED.

DATED this 23rd day of August, 2024.



Adrienne Nelson
United States District Judge